

D. C. DEPARTMENT OF CORRECTIONS
Office of the Director
Washington, D.C. 20001

DO 3460.1
September 30, 1987
DO

DEPARTMENT ORDER NUMBER 3460.1

Subject: Eligibility of Administrative Positions for Law
Enforcement Retirement

1. Purpose and Scope.

a. Purpose. The purpose of this document is to define "administrative position" as it specifically concerns "secondary coverage" under the special retirement provisions of Title 5 U. S. Code, Section 8336 (c) and as further explained under FPM supplement 831-1, Subchapter S9-3, to recognize and formally articulate the Department's long established practice of requiring correctional experience as a principal selective factor for placement in administrative positions, and to present this authority's determination as to which positions in the Department of Corrections are to be covered by the special retirement provisions of Title 5 U.S. Code, Section 8336 (c).

b. Explanation.

(1) It is well established that all employees, without consideration of their position titles or work locations, have a meaningful fiduciary responsibility for the detention, care, rehabilitation, service, direction, training, supervision, inspection, employment or transportation of inmates. Consequently, the Director has determined that law enforcement retirement coverage is applicable for administrative positions in the D.C. Department of Corrections. Administrative positions are afforded "secondary" law enforcement retirement coverage, as distinguished from the "primary" coverage afforded law enforcement officers. Primary coverage vests automatically for law enforcement officers while secondary coverage must be determined based upon factors which are set out below in the "Definitions" section.

(2) It has historically been the practice of the Department of Corrections to require correctional experience as a principal selective factor for placement in administrative positions. The Department's adoption of this practice is greatly influenced by the level and degree of initial training that must

DO 3460.1
September 30, 1987
DO

(3) Title 5 Code of Federal Regulations, Sections 831.901, 831.902, 831.903

(4) Federal Personnel Manual, Supplement 831-1, Subchapter S9-3

(5) Title 1 D.C. Code, Section 627.1

(6) Correctional Standards Referenced: Commission on Accreditation for Corrections, Standards 2-5056, 2-5057, 2-5058

3. Delegation of Authority. The Director of the D.C. Department of Corrections or his designee determines the applicability of the law enforcement officer definition in Title 5 U.S. Code, Sections 8331 (20-21) and of the special provisions mentioned in Title 5 Code of Federal Regulations, Section 831.901 to employees in administrative positions.

4. Definitions. For the purpose of this order the following definitions apply:

a. Administrative Position - A position for which the primary duties are not the investigation, apprehension, or detention of persons suspected or convicted of offenses provided that, the position requires correctional experience, follows service in a law enforcement position without (i) a break in service of more than three days, or (ii) intervening employment that was not as a law enforcement officer, and provided that the position is one which, by nature, is supervisory, managerial, executive, clerical, technical, semiprofessional, or professional.

Listed below are Department Service Areas and Offices inclusive of each departmental entity which may house administrative positions:

Office of the Director
Office of the Deputy Director for Operations
Office of the Deputy Director for Support Services
Office of the Assistant Director for Administrative Services
Office of the Assistant Director for Community Services
Office of the Assistant Director for Educational/Industrial Agricultural Services
Office of the Assistant Director for Institutional Services I
Office of the Assistant Director for Institutional Services II

DO 3460.1
September 30, 1987
DO

entitled to law enforcement retirement under Title 5, U.S. Code Section 8336 (c). However, if it appears (subsequent to assumption of full duties and responsibilities of the administrative position) that the employee, by virtue of frequency of field visits, meets the "frequency and direct contact with persons in detention" test for primary coverage, as defined in FPM Supplement 831.1, this authority shall request from the D.C. Office of Personnel and the Office of Personnel Management concurrence on eligibility for primary coverage.

6. Records and Reports. Position descriptions shall reflect notice of the fact that the position of record is an administrative position. The official personnel action placing an employee in an administrative position shall acknowledge that fact by remarks in the appropriate area. An employee may not elect to set off entitlement to law enforcement retirement engendered by placement in an administrative position or otherwise.

7. Effective Date. This order is effective retroactively to July 12, 1974.

Hallem H. Williams
Hallem H. Williams, Jr.
Director

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